

REMARKS

Rejection of the claims under 35 USC §112:

Claims 13-29 have been rejected under 35 U.S.C. 112, first paragraph, as containing new matter or for lack of enablement for the phrase “increasing the propensity for …”. Applicants have amended the claims to obviate the rejection. Specifically steps b) of claims 13 and 16 have been amended to recite “increasing permeability in the blood vessel.” Support for the amendment can be found in the specification on page 2 lines 24-34 and page 3 lines 26-33.

Rejection of the claims under 35 USC §112:

Claims 13-29 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite because there is no step where analyzing gene function is performed. Applicants have amended claims 13 and 16 to obviate the rejection. Specifically, Applicants have amended claim 13 to recite that the gene is expressed and analyzing effects of expression of the gene on the cell. Applicants have amended claim 16 to recite the oligonucleotide causes decreased expression of the gene and analyzing the effects of the decreased expression on the cell. Support for decreasing expression of a gene (claim 16) is provided in previously presented claim 22. Support for analyzing the effects of gene expression or decreased expression on the cell can be found in the specification on page 3 lines 9-10 and page 9 lines 10-13.

Double Patenting:

Claims 13-29 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,627,616. With this Response, Applicants have filed a terminal disclaimer to overcome the rejection.

Appl. No. **10/600,098**
Amdt. dated **10/11/2006**
Reply to Office action of **07/19/2006**

The Examiner's rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 13, 15-21, and 23-29 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: October 11, 2006.

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